

**SUPPLEMENT TO GENERAL ORDER ON TRIAL PROCEDURES
JUDGE STEVEN M. WELLNER
CIVIL CALENDAR 14
JANUARY 2016**

PLEASE READ THIS ORDER CAREFULLY. IT CONTROLS THE CASE.

To ensure that this case is resolved fairly and without undue cost or delay, all parties must familiarize themselves with the District of Columbia Superior Court Rules of Civil Procedure, the Administrative Orders of this Court, and this Supplement, all of which control matters on this calendar.

GENERAL INFORMATION

Judge:	Steven M. Wellner
Chambers Address:	Moultrie Courthouse, Room 3440 500 Indiana Avenue, NW, Washington, DC 20001
Chambers Phone:	(202) 879-3390
Email:	JudgeWellnerESERVE@dcsc.gov
Law Clerks:	Jillian Wilson Ambrose: (202) 879-0154 Email: WellnerS3@dcsc.gov Corey Samantha Peterson: (202) 879-3392 Email: WellnerS4@dcsc.gov
Courtroom:	Building B, Courtroom B-52 510 4th Street, NW, Washington DC 20001 Accessible entrance to Building B on F Street, NW Other accessibility questions, call (202) 879-1010
Courtroom Clerk:	Ms. Chudney Smith
Courtroom Phone:	(202) 879-1688

In order to administer cases fairly, efficiently and inexpensively, the parties are **ORDERED** to comply with the following requirements:

1. PARTIES WITHOUT LAWYERS (*Pro Se* Parties)

A plaintiff or defendant who has not retained a lawyer may represent himself or herself in a case. Parties without lawyers are advised that free legal help may be available to them in some circumstances. The Court's website has links to more information about free legal services and clinics: <http://www.dccourts.gov/internet/public/prose.jsf>

Reminder: Corporations and limited liability companies must be represented by a lawyer or other person authorized by Super. Ct. Civ. R. 101.

2. LITIGATION RESOURCES

An online copy of the District of Columbia Superior Court Rules of Civil Procedure may be found here: http://www.dccourts.gov/dccourts/superior/admin_orders/rules.jsp

An online copy of the General Order on Trial Procedures may be found here: <http://www.dccourts.gov/internet/documents/2016-General-Order-for-Civil-Cases.pdf>

An online copy of the D.C. Superior Court Administrative Orders may be found here: <http://www.dccourts.gov/internet/legal/dcscadminorders.jsf>

3. COMMUNICATIONS WITH CHAMBERS

Except as authorized in this Order, the parties may not contact Chambers (the judge's office or staff) by telephone. In extraordinary circumstances, the parties may contact Chambers jointly by conference call to avoid *ex parte* communications. Chambers may not and will not provide legal advice of any kind. If a party needs clarification of any rule, practice, or procedure, that party should file a motion.

Counsel or parties may contact the Clerk of the Civil Division at (202) 879-1133 or consult the online docket at www.dccourts.gov/pa to learn the status of pending motions.

4. MOTIONS FOR EXTENTION OF TIME FOR FILING PAPERS

Motions for extension of time must be filed at least three business days prior to the deadline and include:

- a. the number of previous extensions granted;
- b. the good reason for the request;
- c. a statement of the effect that granting the motion will have on existing deadlines;
- d. for a motion that seeks to extend the deadline of a dispositive motion, suggested

deadlines (reached in consultation with the opposing party) for the filing of the opposition and reply;

- e. a statement of the opposing party's position on the motion, and an indication in the title of the motion as to whether it is opposed or unopposed.

If unforeseeable circumstances prevent a timely filing of such a motion, the moving party must detail those circumstances in the motion.

5. MOTIONS TO CHANGE HEARING DATES

Motions to change hearing dates must be filed at least two business days prior to the hearing and include:

- a. the good reason for the request;
- b. a statement of the opposing party's position on the motion, and an indication in the title of the motion as to whether it is opposed or unopposed; and
- c. four alternative dates and times agreeable to both parties.

If unforeseeable circumstances prevent a timely filing of such a motion, the moving party must detail those circumstances in the motion.

For consent motions to change hearing dates, counsel or self-represented parties may jointly e-mail Chambers at WellnerS3@dcsc.gov and WellnerS4@dcsc.gov and discuss the request with the law clerk rather than file in writing.

6. EMERGENCY MOTIONS

Parties may request expedited action on a motion only in truly urgent situations. Parties filing emergency motions should notify Chambers immediately after filing by sending an email to WellnerS3@dcsc.gov and WellnerS4@dcsc.gov and to the other parties, attaching a copy of the motion and the proposed order in Word format. The subject of the email should state "Emergency Motion" and the case number.

7. MOTIONS TO AMEND

A party seeking leave to amend a filing must identify with specificity each change made in the proposed amended filing.

8. DISCOVERY

Parties must strictly follow the requirements of Rules 26 and 37. Before bringing a discovery dispute to the Court's attention, the parties must attempt to confer in person and make

a good faith attempt to resolve the dispute informally. If, in the unusual case, the parties are unable to resolve the dispute themselves, they must contact Chambers by email to arrange for a conference call. Before filing a motion relating to a discovery dispute, a party must obtain leave of the Court.

Failure to follow these requirements may result in sanctions. Moreover, if the Court is called upon to resolve a discovery-related motion, it may sanction the losing party under Rule 37 (a)(4).

9. LENGTHS OF BRIEFS AND MEMORANDA

The General Order states, “Memoranda that exceed ten pages in length are discouraged.” In addition to that recommendation, no party may submit a motion and memorandum of points and authorities that exceeds 15 pages (excluding exhibits) without leave of the Court. Leave will be granted only in extraordinary circumstances.

10. REPLY BRIEFS

A party wishing to file a reply to an opposition must do so within five business days of the filing of the opposition. Leave of the Court is not required. Replies may not exceed five pages without leave of the Court.

11. SCHEDULING AND CALENDARS

Any party or lawyer who attends a hearing shall bring a calendar to allow efficient scheduling of future events.

12. JOINT PRETRIAL STATEMENTS

Under Rule 16 (e), the parties must file a Joint Pretrial Statement at least one week before the pretrial conference. If a Joint Pretrial Statement is not filed in accordance with the rule, the Court may, on its own motion, cancel the Pretrial Conference and set the case for a Show Cause Hearing. Parties unable to meet and comply with Rule 16 (c) must file a Motion for Leave to file a Non-Joint Pretrial Statement.

A model Pretrial Statement is available from Chambers upon request.

13. PRETRIAL CONFERENCE

The Court uses the pretrial conference as a settlement conference and expects that the parties will discuss settlement beforehand. In addition, the Court expects counsel to prepare for the pretrial conference by thoroughly discussing settlement with parties, insurance adjusters, and others and by bringing to the pretrial conference any relevant photographs, documents or other material. At the start of the pretrial hearing, the Court will ask the parties (through counsel, if

present) for the latest demand and offer. Those with full settlement authority must be present and must participate.

14. JURY SELECTION INSTRUCTIONS

Before the meeting three weeks before the pretrial conference required by Rule 16(c), Judge Wellner will provide the parties with (1) an overview of jury selection and trial procedures and (2) a set of proposed initial and final jury instructions. Comments are then solicited from the parties.

15. TRIAL STATUS UPDATE

On the Wednesday before a trial date, the parties must jointly or, if mutually agreed on, through one party making a joint representation, e-mail Chambers at WellnerS3@dcsc.gov and WellnerS4@dcsc.gov and inform the Court of the status of the trial. This update should include the status of any settlement discussions, an estimated length of the trial, and any issues that should be brought to the Court's attention.

16. TRIAL EXHIBITS

All exhibits must be pre-marked, with copies and a complete exhibit list provided in advance to the opposition and the Court.

On the first day of trial, each party must give to the courtroom clerk an exhibit summary form. Parties may obtain this form from the Clerk's Office or at <http://www.dccourts.gov/internet/documents/dcsc15r1-06.pdf>

17. TRIAL WITNESSES

The Court will not delay the proceedings to accommodate a witness's schedule, barring a documented emergency. The parties must immediately notify the opposition and the Court of any witness-related issues.

18. ISSUES ARISING DURING TRIAL

During trial, any new issues that need be handled outside of the presence of the jury should be brought to the Court's attention by 8:30 a.m. by an e-mail to Chambers at WellnerS3@dcsc.gov and WellnerS4@dcsc.gov, with a copy to the opposing party.

19. DELIBERATIONS

Throughout jury deliberations, counsel must be available to report to the courtroom on ten minutes' notice. Counsel should give the courtroom clerk a telephone number at which they can be reached.

20. CASE STATUS CHANGES

If, prior to a hearing, the parties feel there has been a material change in the posture of a case or that a hearing would be unnecessary, the parties must jointly or, if mutually agreed on, through a party making a joint representation, email Chambers at Wellners3@dcsc.gov and WellnerS4@dcsc.gov to inform the Court of the status change.

21. INTERPRETERS AND LANGUAGE ACCESS

The Court provides professional interpreters in all matters, when needed. The parties (through counsel, if present) may notify the Court in advance of any hearing for which an interpreter is required. Family members, friends, counsel, or counsel's staff will not be permitted to interpret for parties or witnesses during a hearing.